

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

DANIEL JAY CARROLL,

Plaintiff,

v.

LES McKENZIE,

Defendant.

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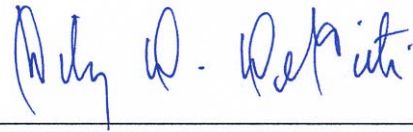
Case No. CIV-19-107-D

ORDER

Plaintiff Daniel Jay Carroll, a state prisoner appearing pro se, brings this action under 42 U.S.C. § 1983. The matter was referred to United States Magistrate Judge Suzanne Mitchell pursuant to 28 U.S.C. § 636(b)(1)(B). On February 11, 2019, Judge Suzanne Mitchell issued her Report and Recommendation [Doc. No. 5] recommending that Plaintiff's claims against Defendant be dismissed without prejudice for lack of subject matter jurisdiction.

In her Report and Recommendation, Judge Mitchell advised the parties that any objections were to be filed by March 4, 2019. Judge Mitchell also cautioned the parties that a failure to object would result in waiver of the right to appellate review of factual and legal findings made in the Report. [Doc. No. 5 at 4]. To date, neither party has filed an objection or sought an extension of time to do so. Accordingly, the Report and Recommendation is **ADOPTED** in its entirety as though fully set forth herein.

IT IS SO ORDERED this 18th day of March 2019.

A handwritten signature in blue ink, reading "Timothy D. DeGiusti". The signature is written in a cursive, flowing style.

TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE